

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RICHARD SUTHERLAND, et al.,

Plaintiffs,

v.

THOMAS E. FRANCIS,

Defendant.

Case No. 12-CV-05110-LHK

**ORDER SETTING CASE  
MANAGEMENT CONFERENCE AND  
DEADLINES**

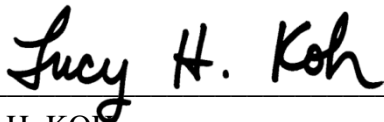
Re: Dkt. No. 54

Anthony Malfatti as well as Richard Sutherland, as assignee of Nigel Allen, Fred Pilster, Sal Ruiz, and Judith Lavender (collectively, “Plaintiffs”), sued Defendant Thomas Francis (“Defendant”) over agreements to purchase interests in heavy machinery as part of an alleged “Ponzi” scheme. On June 10, 2013, the Court dismissed Plaintiffs’ First Amended Complaint with leave to amend. ECF No. 39. On March 3, 2014, the Court dismissed Plaintiffs’ Second Amended Complaint with prejudice. ECF No. 48. Plaintiffs appealed. ECF No. 49. On March 30, 2016, the Ninth Circuit affirmed the Court’s dismissal of the Second Amended Complaint but ordered the Court to provide Plaintiffs another opportunity to amend their complaint and cure the identified deficiencies. ECF No. 53. The Court received the mandate of the Ninth Circuit on April 26, 2016. ECF No. 54.

1           Plaintiffs are hereby ORDERED to file the Third Amended Complaint within 30 days of  
2 this order. A case management conference is SET for June 8, 2016, at 2:00 p.m. The parties shall  
3 file a joint case management statement with a proposed case schedule by June 1, 2016.

4 **IT IS SO ORDERED.**

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6 Dated: April 27, 2016

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9 LUCY H. KOH  
10 United States District Judge  
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